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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| EXAMINER VANDERVEGT, FRANCOIS P | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-3, drawn to a eukaryotic host cell co-transformed with nucleic acid molecule encoding beta2 microglobulin, MHC class I heavy chain and an antigenic peptide, classified in class 435, subclasses 325 and 410.
 - II. Claims 1, 2 and 4, drawn to a prokaryotic host cell co-transformed with nucleic acid molecule encoding beta2 microglobulin, MHC class I heavy chain and an antigenic peptide, classified in class 435, subclass 252.1.
 - III. Claims 5-14, drawn to a method of producing a functional MHC class I molecule in a bacterial cell, classified in class 435, subclass 69.1.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are characterized by different host cell types, which require different expression vectors and promoters for expression of the product.
3. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions the method of Group II does not use the product of Group II, as the method of Group III does not require the use of a prokaryotic host cell co-transformed with nucleic acid molecule encoding beta2 microglobulin, MHC class I heavy chain and an antigenic peptide wherein the beta-2 coding sequence is translationally fused upstream of the MHC class I heavy chain coding region.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Pierre VanderVegt whose telephone number is (571) 272-0852. The examiner can normally be reached on M-Th 6:30-4:00; Alternate Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. Pierre VanderVegt, Ph.D. ✓
Patent Examiner
March 11, 2004

Pat J. Nolan
PATRICK J. NOLAN, PH.D.
PRIMARY EXAMINER
3/14/04